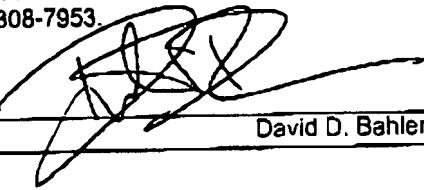


#33
Response
11/9/00
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Board of Patent Appeals and Interferences, Commissioner of Patents and Trademarks, at facsimile number 703/308-7952 or 703/308-7953.

November 3, 2000
Date


David D. Bahler

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:
Shepherd, A.P., et al.

Application No.: 07/953,680

Application Filing Date: September 29, 1992

For: METHOD AND APPARATUS FOR
DIRECT SPECTROPHOTOMETRIC
MEASUREMENTS IN UNALTERED
WHOLE BLOOD

Appeal No. 1997-3073

Hearing Date: Thursday, December 7, 2000

Hearing Time: 1:00 p.m.

Hearing Room: A

Hearing Docket: B

Atty. Dkt. No.: UTSK:142/BAH

NOV -3 2000

BOARD OF PATENT
APPEALS &
INTERFERENCES

RESPONSE TO NOTICE OF HEARING

AND

REQUEST FOR EXTENDED ARGUMENT TIME

BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents
Washington, DC 20231

Sir:

In reply to Notice of Hearing mailed October 18, 2000, Appellants submit herewith a response to Notice of Hearing *confirming* the hearing date and time of Thursday, December 7, 2000, at 1:00 p.m.

Request for Extended Argument Time

On May 8, 1997, Appellants filed a Reply Brief and Request for Oral Hearing and For Extended Argument Time. Appellants reurge their request for extended argument time, and respectfully request the Board to permit 40 minutes for Appellants' argument, rather than 20 minutes as prescribed by 37 C.F.R. § 1.194(c). Appellants note that, due to the complexity of the impending appeal, extra time is necessary in order to adequately respond to the myriad rejections imposed by the Examiner under 35 U.S.C. § 112, first and second paragraphs, § 132, and four independent rejections of all claims under various combinations of §§ 102, 103 and *res judicata*. The 42-page Final Office Action, 60 page Appeal Brief (including Appendix), and 50 page Examiner's Answer attest to the complexity of this appeal.

Should the Clerk of the Board believe a personal discussion would be helpful, the Clerk is invited to contact Appellants' representative at (512) 418-3005.

Respectfully submitted,



David D. Bahler
Reg. No. 30,932

FULBRIGHT & JAWORSKI
600 Congress Avenue
Suite 2400
Austin, Texas 78701

Attorney for Appellants

Date: November 3, 2000

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AND INTERFERENCESDavid D. Bahler
Arnold, White & Durkee
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Houston, Texas 77210

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#32
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JES

Paper No: 31

Appeal No:	1997-3073
Appellant:	Shepherd, A.P., et.al
Application No:	07/953,680
Hearing Room:	A
Hearing Docket:	B
Hearing Date:	Thursday, December 07, 2000
Hearing Time:	1:00 PM
Location:	Room 12C07 CRYSTAL GATEWAY 2 1225 Jefferson Davis Highway Arlington, VA 22202

NOTICE OF HEARING

CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 1.194(a).

The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up.

The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.

This form must be completed below and filed with the Board of Patent Appeals and Interferences preferably by facsimile within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this form may alternatively be filed by mail if facsimile is not available.

Failure to file this form within this time period will be construed as a waiver of the request for oral hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences

BPAI FAX No:

(703) 308-7952 or (703)-308-7953
See 1108 Off. Gaz. Pat. Trademark
Office 15 (Nov. 14, 1989)

BPAI Mailing Address:

BOARD OF PATENT APPEALS AND INTERFERENCES
COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

Clerk of the Board (703)-308-9797

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:

HEARING ATTENDANCE CONFIRMED
 HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant
David D. Bahler

11/3/00

Date

30,932

Registration No.

RECEIVED
Date(s) Docketed: 11-8-00
Confirmation or Waiver
Notice of Oral Hearing
DEC. 1, 00 - 1. PM - Date
OCT 25 2000 Oral
Hear

Client: UTSK: 142
Attorney(s): WJM
Initials: CBL